



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 1 अक्तूबर, 1974/9 आश्विन, 1896

GOVERNMENT OF HIMACHAL PRADESH

TRANSPORT DEPARTMENT

NOTIFICATIONS

Simla-2, the 24th September, 1974

No. 4-3/74-Tpt. (i).—In exercise of the powers vested in him under section 3 of the Road Transport Corporation Act, 1950 (Act LXIV of 1950), the Governor of Himachal Pradesh is pleased to order that the Mandi-Kulu Road Transport Corporation which was constituted vide Punjab Government notification No. 3489(C)HT-58/18635, dated the 18th April, 1958, be renamed as Himachal Road Transport Corporation with immediate effect.

GANGSEH MISRA,
Secretary.

Simla-2, the 30th September, 1974

No. 4-3/74-Tpt. (ii).—In exercise of the powers conferred by section 34 of the Road Transport Corporation Act, 1950 (Central Act LXIV of 1950), the Governor of Himachal Pradesh hereby directs, after consultation with the Himachal Road Transport Corporation, that the following administrative arrangements shall come into force:—

(1) The Himachal Road Transport Corporation (hereinafter referred to as the Corporation) shall take over the management of the existing Himachal Government Transport of the Government of Himachal Pradesh.

(2) (a) All property and assets vested in the existing Himachal Government Transport shall vest in the Corporation.

Provided that the State Government may, by notification in the Official Gazette, exclude from the operation of the provisions of this clause such properties or assets as may be specified in the notification;

(b) the value assessed by the Evaluation Committee constituted separately for this purpose shall be treated as contribution of the State Government towards capital of the Corporation;

(c) the lands, including the lands on which the buildings to be transferred to the Corporation stand, would be leased out to the Corporation subject to adequate safeguards by restricting the right of the Corporation to alienate the lands.

(3) All rights and liabilities which have accrued or are incurred or which may accrue or may be incurred under any contract made by the State Government or by any officer of the Himachal Government Transport duly authorised in this behalf in connection with or for any purposes of the Himachal Government Transport, which would have been the rights and liabilities of the State Government, shall be the rights and liabilities of the Corporation.

(4) All licences, registration of motor vehicles and permits granted to, and or applications made by all the contracts made with, all instruments executed on behalf of, the existing Himachal Government Transport shall be deemed to have been granted to, made by, made with, or executed on behalf of the Corporation and shall have effect accordingly.

(5) Where immediately before the 2nd October, 1974, the State Government are subject to any liability in respect of any actionable wrong committed by any employee of the Himachal Government Transport in the discharge of their duties, such liability shall be the liability of the Corporation.

(6) All suits or other legal proceedings instituted or which might but for the establishment of the Corporation have been instituted by or against the State Government in connection with the State Undertaking may be continued or instituted by or against the Corporation and in all such suits or other legal proceedings pending immediately before such establishment, the Corporation shall stand substituted in place of the State Government.

(7) The services of all Government employees holding whole or part time posts in the Himachal Government Transport except those who are notified to be retained on the Government side shall be temporarily placed at the disposal of the said Corporation on deputation for a period of 3 months or for the period as may be extended from time to time by the Government on the terms and conditions governing at present till the Corporation frames its own regulations, in respect of services of their employees which shall not be less advantageous than the terms and conditions applicable to them at present, including provision for absorption in the services of the Corporation of Government employees of the Himachal Government Transport:

Provided that no deputation allowance will be given to the Government employees for the deputation period. Leave salary and pension contribution shall be regularly paid by the Corporation in respect of all such Government servants.

(8) Any scheme prepared by, any permit granted to, and, generally, anything done or any action taken by or in favour of, the State Government in respect of the Himachal Government Transport shall be deemed to have been prepared by, granted to or done or taken by or in favour of, the Corporation.

(9) The amounts due to the Himachal Government Transport from the private parties, to be notified separately will be recoverable by the State Government notwithstanding anything contained in clause (3).

(10) This order will come into force on the 2nd October, 1974.

By order and in the name of the Governor of Himachal Pradesh.

GANGESH MISRA,
Secretary.

Simla-2, the 1st October, 1974

No. 4-3/74-Tpt (ii).—In exercise of the powers conferred by section 34 of the Road Transport Corporation Act, 1950, the Governor of Himachal Pradesh after consultation with the Himachal Road Transport Corporation, hereby directs that the following administrative arrangements will come into force:—

2. The Corporation shall offer to employ such of the existing employees of the Himachal Government Transport as agree to serve the Corporation on following terms and conditions which shall not be less advantageous than their existing terms and conditions in the Himachal Government Transport:—

- (a) The existing salaries alongwith existing scales of pay of Himachal Government Transport employees will be protected. All allowances as may be admissible to the Government Employees of Himachal Pradesh Government from time to time will be available to these employees.
- (b) Medical re-imbusement rules will be the same as apply to Himachal Pradesh Government employees from time to time.
- (c) Leave Rules and Central Civil Services (Classification, Control and Appeal) Rules, 1965, would apply to these employees as amended from time to time by the Government.
- (d) The existing Recruitment and Promotion Rules for existing posts will not be changed to the disadvantage of the existing Himachal Government Transport employees.
- (e) Age of superannuation will continue to be the same as in the case of Himachal Government employees from time to time.
- (f) Leave to the credit of the employees will be passed on to their credit in the Corporation.
- (g) If the employees are facing any disciplinary/criminal/vigilance proceedings, the same proceedings will be continued by the Corporation. The Corporation will be fully empowered to impose any penalty it considers merited in terms of Central Civil Services (C.C.&A.) Rules, 1965, in disciplinary/criminal/vigilance cases/proceedings. If it so happens that an employee after his transfer in the Corporation is found liable for disciplinary/criminal/vigilance cases/proceedings for acts of commission and omission during his service in the Himachal Government Transport under the Government, the Corporation will have full liberty to initiate proceedings against him and impose any penalty it deems fit in terms of C.C.S.(C.C.&A.) Rules, 1965.
- (h) *Inter-se* seniority of Himachal Government Transport employees will remain intact as it existed on 1-10-1974.
- (i) The pensionary terms in respect of Government employees who are transferred to the Himachal Road Transport Corporation would be governed as per stipulations of Government of India Decision No. 10, as amended from time to time below para-13 of Appendix 13 of Choudhary's Compilation of Civil Service Regulations Vol. 11 (8th Edition 1972).
- (j) The liability in respect of pay and allowances, arrears of pay and allowances, T.A., medical re-imbusement charges etc., in respect of the employees upto 1-10-1974 paid by the Corporation after this date will be adjusted to the Government account.
- (k) In case of integration of the services of the officials working in Himachal Government Transport and Mandi-Kulu Road Transport Corporation, the relative seniority of all the officials of each category in both the organisations shall have to be determined according to the KLM formula formulated by the Government of India. If in the implementation of this formula certain cases of hardship arise, the same will be resolved by the Corporation on merits.
- (l) The Corporation will regularise the daily waged employees of Himachal Government Transport with effect from 2-10-1974 subject to their fulfilling pre-requisites of entry into service.

By order,
GANGESH MISRA,
Secretary.

Simla-2, the 1st October, 1974

No. 5-3/69-Tpt.—In supersession of notification No. 3489(C)HT-58/10640, dated the 18th April, 1958, the Governor of Himachal Pradesh, in exercise of the powers conferred by section 44 of the

Road Transport Corporation Act, 1950 (Parliament Act LXIV of 1950), hereby makes the following Rules, namely:—

CHAPTER I PRELIMINARY

1. *Short title.*—These Rules may be called the Himachal Road Transport Corporation Rules, 1974.
2. *Definition.*—In these rules, unless there is anything repugnant in the subject or context—
 - (a) "Act" means the Road Transport Corporation Act, 1950 (Parliament Act LXIV of 1950);
 - (b) "Chief Accounts Officer" means the Officer appointed by the State Government as the Chief Accounts Officer of the Corporation under sub-section (1) of section 14 of the Act;
 - (c) "General Manager" means the Officer appointed by the State Government as the General Manager of the Corporation under sub-section (1) of section 14 of the Act;
 - (d) "Regulations" means the regulations made by the Corporation under clause (c) of sub-section (2) of section 45 of the Act;
 - (e) "Government or State Government" means the Government of Himachal Pradesh.

CHAPTER II CONSTITUTION OF CORPORATION

3. *Constitution.*—(1) The Corporation shall consist of seven official members including the Chairman.
- (2) The Chairman and the four members shall be nominated by the State Government and two by the Central Government.
- (3) The State Government may designate one of the members as Vice-Chairman.
4. *Travelling and daily allowances.*—(1) The members including the Chairman shall be eligible to draw such travelling and daily allowance as may be admissible to them by virtue of their office under the Government concerned:
 Provided that such Members and the Chairman shall not draw travelling or daily allowance admissible under these rules if for the same journey or for the same halt they have drawn travelling or daily allowance, as the case may be, from the Government concerned.
- (2) A bill for a travelling allowance or daily allowance as the case may be claimed under this rule shall be countersigned by the Members themselves and shall be submitted for audit before payment.
5. *Temporary vacancy.*—All casual vacancies amongst the members shall be filled up, as soon as may be, in the manner provided in Rule 3.
6. *Quorum.*—The number of members necessary to constitute a quorum of a meeting of the Corporation shall be four, provided there shall be no quorum for an adjourned meeting.

CHAPTER III GENERAL MANAGER AND THE CHIEF ACCOUNTS OFFICER

7. *Appointment of General Manager and Chief Accounts Officer.*—(1) The appointment of the General Manager and the Chief Accounts Officer shall be made by the State Government after taking officers on deputation from State or Central Government.
- (2) The General Manager and the the Chief Accounts Officer shall be entitled to the following pay and allowances, namely:—
 - (a) *General Manager:*
 - (i) Scale of Pay: Rs. 2000-125/2-2250.
 - (ii) Dearness Allowance: As admissible to a Government officer drawing a similar scale of pay.
 - (b) *Chief Accounts Officers:*
 - (i) Scale of pay of the officer plus 10 per cent of the employee's basic pay subject to a maximum of Rs. 100 per month, in case the deputation is at the same station. In case of the deputation from one to another station it is payable at the rate of 20 per cent of basic pay subject to a maximum of Rs. 250 per month.
 - (ii) Dearness Allowance: As admissible to a Government officer drawing a similar scale of pay.
- (3) Where a Government servant is on deputation to the Corporation, the Corporation shall pay for the period of deputation to the Government leave and pension contribution at such rates as may be specified by the Government.

8. *Travelling allowance.*—The General Manager and the Chief Accounts Officer shall be entitled to such travelling allowances for the journeys performed in the service of the Corporation as may be admissible to Government Officers enjoying the same scale of pay and status.

9. *Leave and leave salary.*—The General Manager or the Chief Accounts Officer shall be entitled to leave and leave salary under the rules applicable to him in his present cadre.

10. *Provident Fund.*—The General Manager or the Chief Accounts Officer shall be entitled to continue to subscribe to the Government Provident Fund upon the same terms and conditions and subject to the same Rules as apply to Government servants.

11. *Disciplinary action.*—The General Manager or the Chief Accounts Officer shall on the recommendation of the Corporation be subject to disciplinary action by the Government according to the Rules applicable in his present cadre.

12. *Other conditions of service.*—All other matters relating to the condition of service of the General Manager or the Chief Accounts Officer shall be regulated in accordance with the provisions of the Civil Service Rules as applicable to his present cadre.

13. *Appointment of other officers and servants of the Corporation.*—Other officers and servants as are considered necessary for efficient functioning may be appointed by the Corporation.

CHAPTER IV

14. *Corporation Fund.*—All receipts of the Corporation shall be credited to a Fund to be created for the purpose and expenditure met therefrom.

15. *Budget.*—The budget estimates showing the anticipated receipts and expenditure for the ensuing year may be laid before the Corporation on or before the 15th January of the previous year and, after it is passed by the Corporation, may be forwarded to State Government on or before 30th January, with a copy to Northern Railway. The Budget approved by the State Government will constitute the budget of the Corporation for the ensuing financial year.

16. *Maintenance of Accounts.*—The accounts of receipts and expenditure of the Corporation shall be maintained under such major, minor or subordinate heads, as the State Government may prescribe from time to time, in consultation with Northern Railway.

17. *Audit.*—The accounts of the Corporation will be subject to internal concurrent audit and also to outside audit by the Accountant General, Himachal Pradesh. The report giving a review of the accounts will be submitted to the State Government and the Northern Railway each month containing details of statistical returns and other information as may be required by them.

18. *Audit Report.*—After the annual accounts of the Corporation have been audited, a copy of the inspection and audit report shall be forwarded to the State Government and the Northern Railway. The annual proforma accounts of the Corporation duly audited will be forwarded to the State Government and the Northern Railway every year within six months of the close of the financial year.

GANGESH MISRA,
Secretary.

Simla-2, the 1st October, 1974

No. 4-3/74-Tpt. (i).—The Governor of Himachal Pradesh is pleased to order the transfer of the services of all the employees of the existing Himachal Government Transport Department with effect from 2-10-1974 to Himachal Road Transport Corporation, with the exception of the posts given in Annexure-I to this notification. The terms and conditions as notified separately will apply to the existing Himachal Government Transport employees transferred to the Himachal Road Transport Corporation. The shadow posts of the employees so transferred will be retained on the Government side till such time the incumbents holding these posts are absorbed by the Corporation or their services are terminated with due process of law.

ANNEXURE-I

Sl. No.	Category	No. of posts
1.	Commissioner Transport..	1
2.	Deputy General Manager (Administration)	1
3.	Mobile Magistrate	1
4.	Traffic Magistrate	1

5. Stenographer	..	..	..	..	1
6. Assistant Sub-Inspectors..	..	..	..	..	2
7. Head Constables	..	..	..	..	2
8. Readers	..	..	..	..	2
9. Constables	..	..	..	..	4
10. Peons	..	..	..	..	3

Simla-2, the 1st October, 1974

No. 4-3/74-Tpt.(iii).—In exercise of the powers conferred by section 5 of the Road Transport Corporation Act, 1950 (Parliament Act 64 of the 1950), the Governor of Himachal Pradesh is pleased to re-constitute the Board of Directors of Himachal Road Transport Corporation, which shall consist of a Chairman and six members with effect from 2nd October, 1974, namely:—

NOMINATED BY STATE GOVERNMENT

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|--|----|----|---------------|
| 1. Minister for Transport, Himachal Pradesh | .. | .. | Chairman |
| 2. Chief Secretary to the Government of Himachal Pradesh | .. | .. | Vice-Chairman |
| 3. Finance Secretary to the Government of Himachal Pradesh.. | .. | .. | Member |
| 4. Secretary (Transport) to the Government of Himachal Pradesh | .. | .. | Member |
| 5. General Manager, Himachal Road Transport Corporation | .. | .. | Member |

NOMINATED BY CENTRAL GOVERNMENT

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|---|----|--------|
| 6. Chief Commercial Superintendent, Northern Railway, New Delhi or his nominee | .. | Member |
| 7. Financial Adviser and Chief Accounts Officer, Northern Railway, New Delhi or his nominee | .. | Member |

By order,
GANGESH MISRA,
Secretary.